

RESOLUTION 2020-59

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, DENYING THE VARIANCE APPLICATION (APPLICATION NO. PV20-0001) SUBMITTED BY FABIO VELEZ MEJIA (THE "APPLICANT") TO ALLOW THE DEVELOPMENT OF A PROPERTY THAT IS 1,375 SQUARE FEET UNDER THE REQUIRED MINIMUM LOT SIZE OF 8,500 SQUARE FEET, AND FOR A SETBACK VARIANCE TO ALLOW A 10'-0" SETBACK ON THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED MINIMUM OF A 30'-0" SETBACK; PROVIDING THE VILLAGE MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Fabio Velez Mejia (the "Applicant") submitted a variance application (the "Application No. PV20-0001"), to the Village of Biscayne Park, Florida ("Village") requesting the following:

1. A lot size variance to allow the development of a property that is 1,375 square feet under the required minimum lot size of 8,500 square feet; and
2. A setback variance to allow a 10'-0" setback on the front property line, where a minimum 30'-0" setback is required.

FOLIO: 17-2230-043-0480

ADDRESS: 661 NE 120th Street, Biscayne, Park, Florida

WHEREAS, the public hearing of the Village Commission was advertised and held as required by law, all interested parties concerned in the matter were heard, and due and proper consideration was given to the matter and to the information testified to in the oral testimony of the Chairperson for the Village's Planning Board; and

WHEREAS, notice was provided to all interested parties regarding the Application; and

WHEREAS, on November 10, 2020, the Village Commission conducted a public hearing on the Application; and

WHEREAS, the Village Commission reviewed the Application, considered the testimony of the Applicant's representatives, the oral recommendations of the Chairperson of the Planning Board, and finds that the Application does not meet the grounds for variance approval under the Land Development Code of the Village, and further finds that said request should be denied.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that:

Section 1. Incorporation of Recitals. The foregoing recital paragraphs are hereby ratified and confirmed as being true and the same are hereby made part of this Resolution.

Section 2. Findings and Conclusions. Based upon an analysis of the application and the standards for approval for a variance approval under the Land Development Code, the Village Commission makes the following findings and conclusions:

The application for variance approval for a lot size variance to allow the development of a property that is 1,375 square feet under the required minimum lot size of 8,500 square feet, and for a setback variance to allow a 10'-0" setback on the front property line where a minimum 30'-0" setback is required, does not meet the grounds for variance approval under Section 13.4 of the Land Development Code of the Village.

Section 3. Denial. The Applicant's request for a lot size and set back variance is hereby **DENIED**.

Section 4. Authorization of Village Manager. The Village Manager is hereby authorized to do all things necessary to effectuate this Resolution.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 6. Repealer. All Resolutions or parts of Resolutions in conflict herewith shall be and are hereby repealed.

Section 7. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 10th day of November, 2020


The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor O'Halpin:	Yes
Vice-Mayor Kennedy:	Yes
Commissioner Ross:	Yes
Commissioner Samaria:	Yes
Commissioner Tudor:	Absent

Attest:


Roseann Prado, Village Clerk

Approved as to form:


Edward A. Dion, Village Attorney



Prepared by/Return to:
Roseann Prado, Village Clerk
Village of Biscayne Park
600 NE 114th Street
Biscayne Park, FL 33161

**VILLAGE OF BISCAYNE PARK, FLORIDA
VILLAGE COMMISSION**

Petition for Variance PV20-0001

Petitioner/Property Owner:
Fabio Velez Mejia & Santiago Velez Molina
383 NE 87th Street
Miami Shores, Florida 33138

Property Location:
661 NE 120th Street
Biscayne Park, Florida 33161

Legal Description:
Folio Number: 17-2230-043-0480
Lot 48, Block 14, Griffing Biscayne Park Estates, according to the Plat thereof as recorded in Plat Book 8-18 of the Public Records of Miami-Dade County, Florida.

ORDER

The Village Commission considered Petitioner's variance request at a public hearing held on November 10, 2020. On that date and at a properly noticed public hearing, the Village Commission received evidence and testimony from the Petitioner Representatives, Mr. Juan Zapata and Mr. Matias Jaramillo.

Finding of Facts:

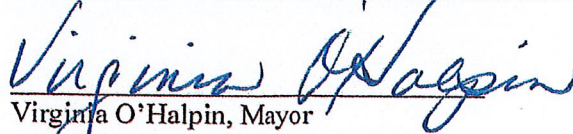
Findings and Conclusions. Based upon an analysis of the application and the standards for approval for a variance approval under the Land Development Code, the Village Commission makes the following findings and conclusions:

The application for variance approval for a lot size variance to allow the development of a property that is 1,375 square feet under the required minimum lot size of 8,500 square feet, and for a setback variance to allow a 10'-0" setback on the front property line where a minimum 30'-0" setback is required, does not meet the grounds for variance approval under Section 13.4 of the Land Development Code of the Village.

Denial. The Applicant's request for a lot size and set back variance is hereby **DENIED**.

DONE AND ORDERED on this 10th day of November, 2020, in Biscayne Park, Florida.

VILLAGE OF BISCAYNE PARK, FLORIDA


Virginia O'Halpin, Mayor

ATTEST:


Roseann Prado, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:


Edward A. Dion, Village Attorney